

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rinaldo Puff et al.

Application No.: 10/553,944

Confirmation No.: 6145

Filed: October 19, 2005

Art Unit: 3746

For: SYSTEM FOR ADJUSTING RESONANCE
FREQUENCIES IN A LINEAR COMPRESSOR

Examiner: J. L. Myers

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement set forth in the Office Action mailed July 23, 2008 (Paper No. 20080721), Applicants hereby provisionally elect Species I, Figs. 2, 3 and 7, which correspond to Group I, claims 1-20 for continued examination, **with traverse**.

RESTRICTION REQUIREMENT

The Examiner has required restriction between the following Species:

- Group I: Drawn to the hydraulic or pneumatic means of varying the dead point of the piston as shown in Figures 2, 3 and 7.
- Group II: Drawn to the hydraulic or pneumatic means of varying the dead point of the piston as shown in Figures 4 and 4a.
- Group III: Drawn to the rotary cam means of varying the dead point of the piston as shown in Figure 5.
- Group IV: Drawn to the screw stop means of varying the dead point of the piston as shown in Figure 6.
- Group V: Drawn to the means of adjusting the resonance of the piston by varying its mass as shown in Figure 8.

Additionally, the claims are deemed by the Examiner to correspond to the species listed above as follows:

- Group I: corresponds with claims 1-20; or
- Group II: corresponds with claims 1-4, 8, 9, 10, 18-26; or
- Group III: corresponds with claims 1-4, 8-10, 18-21, 26; or
- Group IV: corresponds with claims 1-4, 8-10, 19, 20, 27; or
- Group V: corresponds with claims 1-7.

Further, the Applicants thank the Examiner for the acknowledgement that claims 1-4 are generic to all Species.

Accordingly, Applicants provisionally elect Species I for prosecution and examination and Species I, corresponds to Group I, Figures 2, 3, 7, and claims 1-20 for prosecution **with traverse**.

Applicants submit that since claims 1-4 are generic to the remaining Species, if claims 1-4 are found allowable, and remain generic, Applicants request rejoinder and allowance of the associated unelected claims.

Additionally, Applicants note that claims 28-30, while pending, are not addressed as part restriction requirement. As the claims ultimately depend from claim 1 (through claim 10), these claims should be part of Group I. Applicants also note that the claims of Group V are inclusive in Group I and should be examined with Group I.

Further, Applicants traverse in that the present claims were found to have unity of invention under PCT Rule 13.1 by another designated search and examination authority. In particular, European Patent EP1618303 was amended during the examination procedure and was considered a single invention. In particular, the EP granted claims 13-27 correspond to US claims 16-30. Thus, Groups II-IV, particularly claims 21-27, have been considered to have unity of invention with claims 1-20 and should be examined as such. As noted, the remaining claims of Groups II-IV are encompassed within the claims of Group I.

Thus, Applicants respectfully request that all of claims 1-30 have unity of invention and should be examined together. Absent that, claims 1-20 and 28-30 should be examined as one group.